

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARIA D. GARCIA DE RAMOS,

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

Case No. 1:21-cv-00299-JLT-HBK

ORDER GRANTING AWARD AND  
PAYMENT OF ATTORNEYS FEES UNDER  
THE EQUAL ACCESS TO JUSTICE ACT

(Doc. No. 28)

Pending before the court is the parties' stipulated motion for attorney fees filed on May 24, 2022. (Doc. No. 28). The parties agree to an award attorney's fees and expenses to Plaintiff's attorney, Jonathan Peña, in the amount of \$1,437.99 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (*Id.*).

On February 23, 2022, this Court granted the parties' Stipulated Motion for Voluntary Remand pursuant to Sentence Four of 42 U.S.C. § 405(g) and reversed and remanded the case to the Commissioner for further administrative proceedings. (Doc. No. 26). Judgment was entered the same day. (Doc. No. 27). Plaintiff now requests an award of fees as the prevailing party under that order. *See* 28 U.S.C. § 2412(a) & (d)(1)(A); Fed. R. Civ. P. 54(d)(1); *see* 28 U.S.C. § 1920; *cf. Shalala v. Schaefer*, 509 U.S. 292, 300-02 (1993) (concluding that a party who wins a sentence-four remand order under 42 U.S.C. § 405(g) is a prevailing party).

1           The Commissioner does not oppose the requested relief. (Doc. No. 28). After issuance of  
2 an order awarding EAJA fees and costs, the United States Department of the Treasury will  
3 determine whether Plaintiff owes a debt to the government. If Plaintiff has no discernable federal  
4 debt, the government will accept Plaintiff's assignment of EAJA fees and pay the fees directly to  
5 Plaintiff's counsel.

6           Accordingly, it is **ORDERED:**

7           1. Plaintiff's stipulated motion for attorney fees and expenses (Doc. No. 28) is

8 **GRANTED.**

9           2. Plaintiff is awarded fees in the amount of \$1,437.99 (one thousand four hundred thirty-  
10 seven dollars and ninety-nine cents) in attorney fees and expenses. Unless the Department of  
11 Treasury determines that Plaintiff owes a federal debt, the government shall make payment of the  
12 fees to Plaintiff's counsel, Jonathan Peña, in accordance with Plaintiff's assignment of fees and  
13 subject to the terms of the stipulated motion.

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15 Dated: June 1, 2022

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE

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